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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,986	10/02/2003	Anthony D. Kurtz	Kulite-92	9059
7590 11/15/2005				
Plevy & Howard 600 North Easton Road Willow Grove, PA 19090		EXAMINER ELLINGTON, ALANDRA		
		ART UNIT		PAPER NUMBER
		2855		

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/677,986

Applicant(s)

KURTZ ET AL.

Examiner

Alandra Ellington

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 8/1/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13,14,16 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## Final Rejection

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Georgi (3,702,076).

a. With respect to claim 13, Georgi discloses a monitoring system comprising a resistive bridge 10 for providing an output indicative of a sensed condition; an indicator 29 being electrically coupled to said bridge and for providing an indication when the sensed condition satisfies a threshold condition; and, a switch 14, Sw for selectively shunting an electrical impedance into said bridge 10; wherein, said impedance is of a magnitude to cause said bridge output to be indicative of the sensed condition satisfying the threshold condition, regardless of said sensed condition, when shunted into said bridge 10 by said switch 14, Sw (col. 4 lines 11-19, 21-64).

b. With respect to claim 14, Georgi discloses the system of claim 13, wherein said resistive bridge 10 comprises a pressure sensitive piezoresistive Wheatstone bridge (col. 4 lines 21-26 {Fig. 2}).

3. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Colwill (4,138,709).

a. With respect to claim 16, Colwill discloses an electronic switch apparatus comprising a resistive network 20 for providing a voltage indicative of a pressure applied thereto; a circuit coupled to said resistive network 20 for receiving said voltage indicative of the applied pressure and providing an indication when the received voltage exceeds a predetermined value indicative of an alarm condition 80,81, and a switch 30,40 for selectively shunting an impedance into said resistive network 20 to bias said voltage indicative of the applied pressure to cause said control circuit to provide said indicative regardless of whether said applied pressure exceeds said predetermined value (col. 2 lines 25-58, col. 3 lines 1-6, 39-68, col. 4 lines 4, 5, 30-34).

***Allowable Subject Matter***

4. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The reason for the indication of allowable subject matter is based on the inclusion of a threshold condition corresponding to a threshold pressure value.

6. Claims 1-12 are allowed.

Art Unit: 2855

7. The following is an examiner's statement of reasons for allowance: The reasons for allowance are based on the inclusion of:

a. In claim 1, switching means coupled to another terminal of an impedance to selectively shunt a bridge to provide an output indicative of a dangerous condition when the switching means is operated in a first state and to effectively isolate the impedance from the bridge when the switching means is operated in a second state.

b. In claim 6, a selectively operated switch having one terminal coupled to a second terminal of an impedance with another terminal couple to a reference potential, the switch being operative in a first position to cause the impedance to shunt a bridge to cause the bridge to provide a voltage indicative of the improper pressure during the absence of an applied pressure to the bridge and operative in a second position to isolate the impedance from the bridge whereby a user can determine whether the switching means and indicator will be operative upon application of the applied pressure.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(4,023,066)

Art Unit: 2855

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2855

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington  
Art Unit 2855

11/8/05

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**MAX NOORI**  
**PRIMARY EXAMINER**